

ORDINANCE NO. 2002 - 054

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **UTILITY ELEMENT** (TO REVISE AND UPDATE); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 28, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

1 **WHEREAS**, on August 28, 2002 the Palm Beach County Board of County
2 Commissioners held a public hearing to review the written comments
3 submitted by the Department of Community Affairs and to consider
4 adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendments comply with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulations Act.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

11 **Part I. Amendments to the 1989 Comprehensive Plan**

12 Amendments to the text of the following Element of the 1989
13 Comprehensive Plan are hereby adopted and attached to this Ordinance
14 in Exhibit 1:

15 **A. Utility Element**, to revise and update; and

16 **B. Amending all elements as necessary for internal**
17 **consistency.**

18 **Part II. Repeal of Laws in Conflict**

19 All local laws and ordinances applying to the unincorporated area
20 of Palm Beach County in conflict with any provision of this ordinance
21 are hereby repealed to the extent of such conflict.

22 **Part III. Severability**

23 If any section, paragraph, sentence, clause, phrase, or word of
24 this Ordinance is for any reason held by the Court to be
25 unconstitutional, inoperative or void, such holding shall not affect
26 the remainder of this Ordinance.

27 **Part IV. Inclusion in the 1989 Comprehensive Plan**

28 The provision of this Ordinance shall become and be made a part
29 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
30 Ordinance may be renumbered or relettered to accomplish such, and the
31 word "ordinance" may be changed to "section," "article," or any other
32 appropriate word.
33
34

1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184, Florida Statutes, whichever occurs
6 earlier. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolutions shall be sent to the Department of
12 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
13 Boulevard, Tallahassee, Florida 32399-2100.

14 **APPROVED AND ADOPTED** by the Board of County Commissioners of
15 Palm Beach County, on the 28 day of August, 2002.

16
17 ATTEST:
18 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

19
20
21 By: [Signature]
22 Deputy Clerk

By: [Signature]
Warren H. Newell, Chairman

23
24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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26
27 [Signature]
COUNTY ATTORNEY

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29 Filed with the Department of State on the 3 day of
30 September, 2002

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33 T:\Planning\AMEND\02-1\admin\bccadopt\Ordinances\UtilityElement-ord.rtf

EXHIBIT 1

A. Utility Element, Utility Element Revisions

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

1. REVISED UTILITY ELEMENT TEXT

a. Utility Element Assessment & Conclusions:

(Text Omitted for Brevity)

Several regional water supply, ~~and~~ surface water management studies, and ecosystem restoration projects are being developed in South Florida. Many of these projects will have a significant impact in Palm Beach County. Among the most critical projects are:

- The US Army Corp of Engineers Central and South Florida (C&SF) Project Comprehensive Review Study (Restudy), authorized by the US Congress in 1992 and ~~due by~~ delivered to the Congress on July 1, 1999. This study ~~will~~ examines structural and operational modifications to the regional water management system to protect the Everglades and the Florida Bay ecosystems and to improve other functions including urban and agricultural water supply and flood control. In the year 2000, the US Congress gave authorization to implement the study recommendations through the Water Resources Development Act of 2000, which authorized the implementation of the Comprehensive Everglades Restoration Plan (CERP). CERP is to be implemented in the next decades and the Congress authorized the first 1.4 billion dollars for the construction of the first group of priority projects.
- The SFWMD Governing Board adopted an Interim Plan for Lower East Coast Water Supply in March of 1998. An Interim Plan for Lower East Coast Water Supply was adopted by the SFWMD Governing Board. The Interim Plan included recommendations for water supply and water resource development projects to help meet the needs of the region through 2010. The Interim Plan also lays out a map to develop a 20 year water supply plan for the region. This plan, known as the LEC 2020 Plan, ~~is scheduled to be completed by April 2000 and will incorporate fully the water supply provisions of Chapter 373, F.S. The LEC Plan and the Restudy CERP were carefully coordinated by the SFWMD and the Army Corps of Engineers to ensure integration of water resource planning for the region.~~
- Other related programs are: the Water Preserve Areas (WPA's) Feasibility Study, which is exploring concepts to capture and store excess surface waters that are normally released to tide via the C&SF Project canal system by ~~backpumping~~ back pumping these surface waters to the WPA's;

(Text Omitted for Brevity)

Several Federal and State legislative initiatives and regulatory programs ~~which~~ that have been adopted or are currently being discussed, might also have an impact on the surface and groundwater management situation in South Florida and particularly in Palm Beach County.

(Text Omitted for Brevity)

Palm Beach County continues to actively participate in all the ~~above-described~~ above-described projects and will follow the outcome of the several initiatives. In order to provide a more efficient and balanced review of these projects, to develop consolidated and technically sound position statements on the diverse issues, and to identify their potential impact on Palm Beach County, the County Administration created a Water Issues Group. This group includes top administrators, executives and senior professionals from the County's WUD, ERM, PZ&B, and Engineering departments and the County Administration. The County has ~~also~~ developed through the WUD a County Water Policy, which is used as a guide to evaluate the diverse.....

(Text Omitted for Brevity)

b. Water and Wastewater Introduction

(Text Omitted for Brevity)

A. Purpose

The Potable Water and Wastewater Sub-Element has as its purpose:

- To provide for the necessary public facilities and services (including ~~fireflow~~ fire flow);

(Text Omitted for Brevity)

B. Assessment and Conclusions

(Text Omitted for Brevity)

Palm Beach County is participating in and closely following the diverse regional programs ~~addressing~~ addressing the future of water resources and water supply in the region. Several policies in this sub-element and other elements of the Comprehensive Plan state the need for County participation and monitoring of these regional initiatives.

1. General Findings

(Text Omitted for Brevity)

Package treatment plants serving labor camps and sugar industry sites are also present in unincorporated Palm Beach County areas in the Glades. Palm Beach County ~~is considering through the Managed Growth Program the prohibition~~ prohibits the use of package treatment plants in the urban and limited urban service areas, while allowing restricted use of package plants in the Everglades Agricultural Area and in other areas dedicated to agricultural production, in order to provide wastewater service to bonafide agricultural uses and to essential public facilities.

- c. Water/Wastewater Policy 1.2-e:** Palm Beach County shall continue the water service improvement program of replacing 4" lines with 6" lines to provide adequate ~~fireflow~~ fire flow in older developed portions within its service area.

d. Water/Wastewater OBJECTIVE 1.5 Service Improvements

In order to promote public health, safety, and welfare, and to make the best use of existing capacity, the County shall encourage the conversion of well and/or septic tank users within the Urban Service Area to central water or Wastewater facilities. Through an assessment process the construction or reconstruction of water and/or sewer lines will improve the distribution of water and collection of Wastewater. The assessment program shall provide an affordable financial vehicle for the continuing program to improve water and wastewater facilities upon properties specifically ~~benefitting~~ benefiting from such improvements.

e. Stormwater Management Sub-Element Introduction

(Text Omitted for Brevity)

4. The Central and South Florida Restudy

The US Army Corp of Engineers Central and South Florida (C&SF) Project Comprehensive Review Study (Restudy), authorized by the US Congress in 1992 and ~~due by~~ delivered to the Congress on July 1, 1999. This study ~~will examine~~ examines structural and operational modifications to the regional water management system to protect the Everglades and the Florida Bay ecosystems and to improve other functions including urban and agricultural water supply and flood control. In the year 2000, the US Congress gave authorization to implement the study recommendations through the Water Resources Development Act of 2000, which authorized the implementation of the Comprehensive Everglades Restoration Plan (CERP). CERP is to be implemented in the next decades and the Congress authorized the first 1.4 billion dollars for the construction of the first group of priority projects. As result of these modifications, there is the potential for

enhancing flood protection and improving the surface water management system in Palm Beach County.

(Text Omitted for Brevity)

a. Primary Systems: The "primary system" consists of classified surface waters of the State including canals and/or natural watercourses ~~water courses~~ providing final conveyance of overall drainage basin flows to the ocean or major inland water bodies. This is the outlet system for the basin. Capacity is essentially fixed by original design as well as natural, economic and environmental constraints that preclude significant upgrading or expansion. In Palm Beach County, the South Florida Water Management District holds permitting and operational jurisdiction over this portion of the system ~~permitting and operational jurisdiction over this portion of the system is held by the South Florida Water Management District and~~ along with various Drainage Districts authorized by Chapter 298, F.S.

f. Stormwater Management Goals, Objectives and Policies.

(Text Omitted for Brevity)

OBJECTIVE 1.1 Levels of Protection

The levels of protection adopted for surface and storm water facilities shall be adequate to:

- P~~p~~rovide protection from flooding and inundation consistent with the severity of the potential threats to health, safety, welfare, and property;
- M~~m~~aintain Stormwater runoff rates at levels compatible with safe conveyance capacities of receiving waters; and
- M~~m~~itigate degradation of water quality in surface and ground waters.

g. Solid Waste Sub-Element Introduction

(Text Omitted for Brevity)

The Solid Waste Sub-Element is a requirement of Chapter 163.3177(6)(c), F.S. and Rule 9J-5.011, F.A.C. Federal, state and local laws and regulations regulate solid waste management. ~~Solid Waste Management is regulated by federal, state and local laws and regulations.~~

2. **REVISED Level of Service Tables (Table 1- Policy 1.2-a & Table 2 – Policy 1.3-a)**

Table 1
Minimum Level of Service Standards for Potable Water
(Policy 1.2-a)
[9J-5.011(2)(c)2(b), F.A.C.]

Facility	Potable Water (1)	Fire Flow (2) Residential/Commercial	Storage (3)
Palm Beach County Water Utilities Department	180-peak 120-average	1,000 /1,500-5,000	2/3 ADF of System
Seacoast Utility Authority	191	1,000 /1,500-5,000	2/3 ADF of System
Village of Wellington	160	1,000 /1,500-5,000	2/3 ADF of System
Town of Jupiter	170	1,000./1,500-5,000	2/3 ADF of System
City of Riviera Beach	195	1,000 /1,500-5,000	4.0 million gallons
Village of Palm Springs	194	1,000 /1,500-5,000	2/3 ADF of System
City of Lake Worth	170	1,000 /1,500-5,000	5.9 million gallons
City of Boynton Beach	200 <u>182</u>	1,000 /1,500-5,000	10.3 million gallons
City of Delray Beach	263—peak— <u>250</u> 195—Average	1,000./1,500-5,000	2/3 ADF of System
City of Boca Raton	387— <u>307</u>	1,000 /1,500-5,000	2/3 ADF of System
Village of Royal Palm Beach	135	1,000 /1,500-5,000	2/3 ADF of System
City of Belle Glade	91	1,000 /1,500-5,000	2/3 ADF of System
City of Pahokee	86	1,000 /1,500-5,000	2/3 ADF of System
City of South Bay	150	1,000 /1,500-5,000 .	2/3 ADF of System
Seminole Improvement District (4)	20 <u>190 (4)</u>	1,000 /1,500-5,000	100% ADF of System

- (1) In gallons per capita per day (gpcd). Source: Utility Providers, ~~2000~~ 2002
- (2) Requirements for Fire Flow in PBC. Source: Fire Rescue Ordinance # 98-29 / In gallons per minute (gpm)
- (3) ADF stands for "Average Daily Flow" of the system
- ~~(4) Currently serving two schools, a shopping center and a citrus packing plant. Source: Seminole I.D., 2000~~
- (4) In 000 gallons per day (gpd). The District has 4-5 residents and a water and sewer system that currently serves non-residential uses: three schools, a shopping center, a citrus packing plant and Lion Country Safari. Source: Seminole I.D., Feb 2002.

Table 2
Minimum Level of Service Standards for Wastewater
(Policy 1.3-a)
[9J-5.011(2)(c)2(b), F.A.C.]

Facility	Wastewater (1)	Effluent	Sludge
Palm Beach County Water Utilities Department	80 ADF 100 3 MRA	Per EPA/DEP	Per DEP/SWA
City of Boca Raton	147 <u>122</u>	Per EPA/DEP	Per DEP/SWA
City of Delray Beach	117 <u>128</u>	Per EPA/DEP	Per DEP/SWA
City of Boynton Beach	90 <u>105</u>	Per EPA/DEP	Per DEP/SWA
City of Riviera Beach	135	Per EPA/DEP	Per DEP/SWA
City of West Palm Beach	104	Per EPA/DEP	Per DEP/SWA
Village of Royal Palm Beach	85	Per EPA/DEP	Per DEP/SWA
Village of Palm Springs/Lake Worth	75	Per EPA/DEP	Per DEP/SWA
City of Belle Glade	101	Per EPA/DEP	Per DEP/SWA
City of Pahokee	108	Per EPA/DEP	Per DEP/SWA
City of South Bay	150	Per EPA/DEP	Per DEP/SWA
Loxahatchee River District	108	Per EPA/DEP	Per DEP
Seacoast Utility Authority	107	Per EPA/DEP	Per DEP
Village of Wellington	100	Per EPA/DEP	Per DEP/SWA
Seminole Improvement District (2)	20 <u>(2)</u>	Per EPA/DEP	Per EPA/DEP

- (1) Gallons per Capita per Day (gpcd). Source: Service Providers 2000 2002
- ~~(2) Currently serving two schools, a shopping center and a citrus packing plant. Source: Seminole I.D., 2000~~
- (2) In 000 gallons per day (gpd). The District has 4-5 residents and a water and sewer system that currently serves non-residential uses: three schools, a shopping center, a citrus packing plant and Lion Country Safari. Source: Seminole I.D., Feb 2002.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 28, 2002
DATED at West Palm Beach, FL on 8/14/02
DOROTHY H. WILKEN, Clerk
By: Alana Brown D.C.